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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 15 August 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Mr. Chairman,

I am addressing you concerning the draft resolution: "Situation of human rights in Kosovo" (E/CN.4/Sub.2/1996/L.4) of the current session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The draft resolution is, indeed, of a type never heard of, with no precedent in the history of the United Nations; a sovereign and democratic State is, without any proof, being denounced for systematically committing atrocious crimes - including murders, ethnic cleansing, racial discrimination, torture, etc. against a segment of its population.

It is indicative that in the resolution there is no reference of the reports of the United Nations Commission on Human Rights Special Rapporteur Ms. Elisabeth Rehn, covering the Autonomous Province of Kosovo and Metohija. Not a single allegation or claim in the resolution has a backing in the assessments, analyses or recommendations contained in these reports.

This discrepancy must not be ignored by the members of the Sub-Commission who are bound, morally as well as professionally, to take into account the activities, findings and conclusions of the Commission's Special Rapporteurs.

I avail myself of this opportunity to ask the distinguished members of the Sub-Commission why it is that all European countries are making efforts to send back to Kosovo and Metohija the so-called political asylum-seekers if the situation there is as alleged in this draft resolution? How to comprehend the resolution's request that the United Nations Secretary-General and the United Nations High Commissioner for Refugees should take "practical steps towards the safe return of the ethnic Albanian asylum-seekers" to Kosovo and Metohija if torture, apartheid, killings, ethnic cleansing, genocide - in a nutshell "hell" - is awaiting them there? Undoubtedly, if adopted, the resolution will serve to the Albanians abroad and their protectors there as a major argument for rejecting the very idea of the return of asylum-seekers.

In particular, I must draw to the attention of the Sub-Commission members that the stands contained in the resolution imply mostly open support for the Kosmet separatists and their extreme terrorist wing which, with the assistance and logistical help of those who share their views on the international scene and their friends systematically commit terrorist acts against the civilian Serb population and the representatives of the official authorities. To give one's support nowadays - directly or indirectly - to terrorism is a crime, in blatant discrepancy with the efforts the international community has been making in its fight against all types of terrorism.

Persons who do not observe laws, in particular terrorists, are those persecuted in the Federal Republic of Yugoslavia including the Autonomous Province of Kosovo and Metohija, rather than "unprotected Albanians", as claimed in the resolution. The fact that terrorist actions are well organized in cooperation with foreign factors and that they use most sophisticated means for mass killing of civilians testifies to extreme terrorism.

The allegations contained in the resolution are obviously unfounded. Furthermore, nobody else but the Albanian separatists (and their protector - the State of Albania) have ever made such references, their ultimate aim being not the promotion of human rights, but the secession of a part of the sovereign territory of the Federal Republic of Yugoslavia and in fact, setting up a second State of Albanians in Europe in territory which never in history has been Albanian. The crux of the problem is that, under the pressure of its extremist leadership, a segment of the Albanian minority in the FRY is refusing to enjoy individual and collective rights it is entitled to under the Constitution and legislation of the country. Ethnic Albanian children do not attend State schools, ethnic Albanians are reluctant to benefit from State hospitals, they have arbitrarily, of their free will, left their jobs in the public sector, they repudiate participating in the public and political life of the country, etc. The FRY authorities are open to every dialogue without any preconditions, and ethnic Albanians' representatives have an open invitation to join in.

Further on, the resolution is a most evident example of politicization and application of double standards which, since recently, more often than not, prevail in the deliberations of the Sub-Commission, whose experts are

otherwise publicly opposing its politicization. At this session, again, a group of experts has resumed the old practice of abusing this august body for partisan political purposes.

In this connection, the call upon the United Nations bodies "not to recognize the legal effects which might derive from the entering into force of the Citizenship Law adopted recently by the Parliament of the Federal Republic of Yugoslavia" is even more unacceptable, implying direct interference into the internal affairs of a country and disrespect of its sovereignty.

In view of the above-mentioned, I consider that the adoption of this draft resolution on Kosovo and Metohija in the form it is being proposed would have an adverse effect on the developments in this Autonomous Province, thus contributing to a further erosion of the reputation of the Sub-Commission.

I would kindly ask you, Mr. Chairman, to circulate this letter to all the members of the Sub-Commission and to publish it, prior to the vote on the draft resolution, as an official document of the forty-eighth session of the Sub-Commission, under item 6.

(Signed) Miroslav MILOSEVIC
Chargé d'affaires, a.i.